



Nov 26 2008  
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November 26, 2008

By Hand

Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,  
MDL No. 1358, Master File No. 1:00-1898 (SAS)  
This document relates to:  
*City of New York v. Amerada Hess*, et al., 04 CV 3417 (SDNY)  
Stipulation and Proposed Order Regarding City of New York's Production  
of Documents Concerning Water Supply Planning

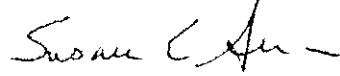
Dear Judge Scheindlin:

At the Court conference on October 30, the issue came up of the City of New York's assertion of privilege over documents concerning the City's planning for the future dependability of its water supply. The parties have agreed that the City will produce the disputed documents and the defendants will treat the documents as confidential, both without waiving their respective positions as to the City's assertion of privilege. Because the existing Revised Confidentiality Order, entered in the MDL on September 24, 2004, does not clearly cover these documents, in order to effectuate their agreement, the parties have agreed, subject to the Court's approval, to amend Revised Confidentiality Order to clearly allow the City to designate the withheld documents as confidential. A proposed order and stipulation signed by counsel for the City and liaison counsel for the defendants is enclosed. I have also enclosed, for the Court's information, a copy of the existing Revised Confidentiality Order.

Thank your for your attention to this matter. Please contact me if you have any questions.

[www.nyc.gov](http://www.nyc.gov)

Respectfully yours,

A handwritten signature in black ink, appearing to read "Susan E. Amron", with a long horizontal flourish extending to the right.

Susan E. Amron  
Deputy Chief  
Environmental Law Division

c: Seth Ard (via email)  
Defendants' Liaison Counsel (via email)  
All Counsel (via LNFS)



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

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**This document relates to:**

City of New York v. Amerada Hess Corp.,  
et al., 04 Civ 3417

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**STIPULATION AND PROPOSED ORDER**

It is hereby stipulated and agreed by and between the undersigned counsel for the parties in *City of New York v. Amerada Hess Corp., et al.*, subject to the approval and entry as an Order by the Court, that the Revised Confidentiality Order entered in MDL 1358 on September 24, 2004 ("Revised Confidentiality Order") is amended in the *City of New York* action only by adding a new paragraph II.C.a.(ii)(4) as follows:

C.a.(ii). For purposes of this Order, "CONFIDENTIAL DOCUMENT(S), INFORMATION OR OTHER THING(S) are DOCUMENTS (S), INFORMATION OR OTHER THING(S) that are PRODUCED OR DISCLOSED in THIS ACTION with Confidentiality Designations in accordance with this Section and:

\* \* \*

(4) That are PRODUCED OR DISCLOSED by the City of New York ("the City") in *City of New York v. Amerada Hess Corp. et al.*, 04 CV 3417, and which concern future planning for or use of the City's water supply and which City asserts are protected from disclosure under the deliberative process privilege. Nothing in this Order shall waive the City's right to assert that the DOCUMENT, INFORMATION OR OTHER THING(S) that are PRODUCED OR DISCLOSED pursuant to this paragraph are covered by the deliberative process privilege. Defendants assert

that the DOCUMENTS, INFORMATION OR OTHER THING(S) to PRODUCED OR DISCLOSED pursuant to this paragraph are not protected from disclosure under the deliberative process privilege. Nothing in this Order shall waive Defendants' right to challenge the City's assertion of deliberative process privilege over any of said DOCUMENT, INFORMATION OR OTHER THING(S).

Documents, information or other things designated by the City of New York as confidential under the foregoing paragraph shall be subject to the same terms, conditions and restrictions as documents, information or other things designated as confidential under paragraph C of the Revised Confidentiality Order.

Within 10 days of the entry of this Stipulation and Order, counsel for each of the parties to the *City of New York* action shall acknowledge in writing that they have received and reviewed a copy of the Stipulation and Order and shall promptly file said acknowledgement with counsel for the City.

Dated: November 24, 2008

By: Susan E. Am...

On behalf of Plaintiff City of New York

By: James C. P...

On behalf of Defendants

SO ORDERED:

\_\_\_\_\_  
Shira A. Scheindlin  
U.S.D.J

Dated: \_\_\_\_\_